

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

EDDYSTONE RAIL COMPANY, LLC, Plaintiff/Counter-defendant,	:	
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	:	
v.	:	
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BRIDGER LOGISTICS, LLC, <i>et al.</i> , Defendants,	:	No. 2:17-cv-00495-JDW
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BRIDGER LOGISTICS, LLC, <i>et al.</i> , Defendants/Counterclaimants.	:	
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**DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION OR, IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT ON ALL COUNTS
OF PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendants respectfully submit this Motion to Dismiss for Lack of Subject Matter Jurisdiction or, in the Alternative, for Summary Judgment on All Counts of Plaintiff's First Amended Complaint.¹ Defendants respectfully ask the Court to dismiss the action for lack of subject matter jurisdiction because there is no basis for admiralty jurisdiction, pursuant Rule 12 of the Federal Rules of Civil Procedure. In the alternative, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants ask the Court to grant summary judgment in their favor and against Plaintiff Eddystone Rail Company, LLC ("ERC") on each of the four claims set forth in ERC's First Amended Complaint (Dkt. 182): (1) alter ego, (2) intentional fraudulent transfer, (3)

¹ "Defendants" include Ferrellgas Partners, L.P.; Ferrellgas, L.P.; Bridger Logistics, LLC; Bridger Administrative Services II, LLC; Bridger Marine, LLC; Bridger Rail Shipping, LLC; Bridger Real Property, LLC; Bridger Storage, LLC; Bridger Swan Ranch, LLC; Bridger Terminals, LLC; Bridger Transportation, LLC; Bridger Energy, LLC; Bridger Leasing, LLC; Bridger Lake, LLC; J.J. Liberty, LLC; and J.J. Addison Partners, LLC.

constructive fraudulent transfer, and (4) breach of fiduciary duty. The grounds for this motion are detailed in the attached and incorporated Memorandum in Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction or, in the Alternative, for Summary Judgment on All Counts of Plaintiff's First Amended Complaint (the "Memorandum").

Based on the foregoing and for the reasons set forth in the Memorandum, Defendants respectfully ask the Court to grant their Motion to Dismiss for Lack of Subject Matter Jurisdiction or, in the Alternative, for Summary Judgment on All Counts of Plaintiff's First Amended Complaint.

Dated: September 28, 2021.

Respectfully submitted,

By: /s/ Lawrence G. Scarborough

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CERTIFICATE OF SERVICE

I, Lawrence G. Scarborough, hereby certify that, on September 28, 2021, a true and correct copy of the foregoing Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction or, in the Alternative, for Summary Judgment on All Counts of Plaintiff's First Amended Complaint was filed electronically via the Court's ECF filing system. This document is available for viewing and downloading from the ECF system and electronic notification has been sent to all counsel of record.

/s/ Lawrence G. Scarborough _____